

No. 21-16702

In the
United States Court of Appeals
for the Ninth Circuit

In re: FINJAN HOLDINGS, INC. SECURITIES LITIGATION,

ROBERT GRIER, Lead Plaintiff,
Plaintiff-Appellant,
and
TIM BERCIO,
Plaintiff,

v.

FINJAN HOLDINGS, INC.; PHILIP HARTSTEIN,
Defendants-Appellees,
and

ERIC BENHAMOU; DANIEL CHINN; GLENN DANIEL; HARRY KELLOGG;
ALEX ROGERS; MICHAEL SOUTHWORTH; GARY
MOORE; JOHN GREENE,
Defendants.

**On Appeal from the United States District Court
for the Northern District of California, San Francisco**

**EMERGENCY REQUEST TO CONTINUE ORAL ARGUMENT ON
APPEAL BY DEFENDANTS-APPELLEES
FINJAN HOLDINGS, INC. AND PHILIP HARTSTEIN**

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Appellees Finjan Holdings, Inc. and Philip Hartstein (“Appellees”) hereby make this emergency request to continue the oral argument in this appeal. James L. Jacobs of GCA Law Partners LLP, counsel of record for Appellees, had a medical emergency early this morning and has been hospitalized. He will be unable to appear at an oral argument today. Appellees would be prejudiced as Mr. Jacobs is the counsel who has prepared to handle this oral argument.

I have spoken by telephone with Juan Monteverde, counsel for Appellant. Mr. Monteverde informed me that Appellant does not oppose the continuation and rescheduling of the oral argument.

For the reasons stated herein, Appellees Finjan and Hartstein respectfully ask that the Court continue the hearing on this appeal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed in San Francisco, California, October 19, 2022.

Date: October 19, 2022

/s/Valerie M. Wagner
Valerie M. Wagner
Attorneys for Appellee Finjan Holdings, Inc.